

material which produces a gas upon contact with an acidic material." . There is nothing in Welch et al. that would suggest or motivate one skilled in the art to modify Welch et al. to arrive at this new limitation in amended claim 1.

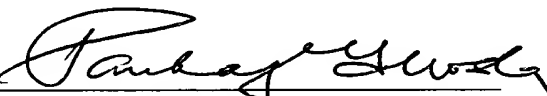
As the Examiner is well aware, the Federal Circuit has held recently as well as on numerous other occasions, "obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination". In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990). The mere fact that the prior art reference (i.e., the Welch et al. patent) could be modified is not by itself sufficient. It is improper for the Examiner to construct an obviousness type rejection based on the modification of the teachings of the prior art unless there is some motivation or suggestion in the prior art to do so. In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984); In re Fritch, 23 USPQ2d 1780 (Fed. Cir. 1992).

Even the closest scrutiny of Welch et al. does not reveal any teachings or motivation for modifying its disclosure to arrive at the instantly claimed invention of the Applicants as set forth in amended claim 1. In fact, Welch et al. teach the inclusion of sodium carbonate and not the exclusion of it. Hence the Examiner's 103 rejection is hereby overcome.

Claims 15-16 were rejected as being obvious over Nassano et al. (U.S. Patent No. 5,691,297). For the foregoing arguments as recited above, the Applicants submit that this rejection must also be withdrawn in view of the claim amendments made herewith, because (i) Nassano et al fail to disclose the recited process for preparing the detergent composition and (ii) Nassano et al. fail to suggest the step wherein the surfactant paste is substantially free of materials which produce a gas when reacted with an acid, the materials being carbonates, percarbonates and perborates.

Accordingly, applicants submit that all of the pending claims, namely claims 1 and 3-16 are patentable over the art of record and in condition for allowance. Early notification of allowable subject matter is respectfully solicited. If, however, after review of the present amendment the Examiner should feel that an interview with applicants' attorney would be appropriate or helpful, then the Examiner is requested to call the undersigned.

Respectfully submitted,

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